

AARON D. FORD
Attorney General
CHRISTOPHER M. GUY (Bar No. 15239)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 East Washington Avenue
Suite 3900
Las Vegas, Nevada 89101
(702) 486-3326 (phone)
(702) 486-3773 (fax)
Email: cguy@ag.nv.gov

*Attorneys for Defendants James Dzurenda, Charles Daniels,
Sheryl Foster, Jo Gentry, Tanya Hill, Gabriela Najera,
Dwight Neven, Cynthia Ruiz, Kim Thomas, and Patrick Vejar*

LISA A. RASMUSSEN, Esq.
Law Offices of Kristina Wildeveld & Associates
550 East Charleston Blvd.
Las Vegas, Nevada 89101
(702) 222-0007 (phone)
(702) 222-0001 (fax)
Email: Lisa@veldlaw.com

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ELIZABETH CARLEY,

Plaintiff,

v.

JO GENTRY, *et al.*,

Defendants.

Case No. 2:17-cv-02670-MMD-VCF

**JOINT STIPULATION AND ORDER
TO EXTEND THE JOINT PRETRIAL
ORDER DEADLINE FROM APRIL
25, 2022, TO MAY 25, 2022**

Plaintiff Elizabeth Carley, by and through counsel, Lisa. A. Rasmussen, and Defendants, Sheryl Foster, Patrick Vejar, Jo Gentry, James Dzurenda, Charles Daniels, Gabriela Najera, Tanya Hill, Dwight Neven, Cynthia Ruiz, and Kim Thomas, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Christopher M. Guy, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby Joint Stipulation And Order To Extend The Joint Pretrial Order Deadline From April 25, 2022, to **May 25, 2022**.

The Parties hereby move to extend the Joint Pretrial Order deadline from April 25, 2022, to May 25, 2022 (30 days). Good cause supports this extensions request. Defense counsel starts a trial on April 25, 2022. Defense Counsel was required to prepare for this trial, and therefore the Parties requests an additional 30 days to draft the Joint Pretrial Order.

I. INTRODUCTION

The Parties request an extension of the Joint Pretrial Order deadline of April 25, 2022. Defense counsel will be in trial the week of April 25th for case *3:17-cv-00649-MMD-CSD*. Therefore, the Parties requests an additional 30 days to draft the Joint Pretrial Order.

II. LAW AND ARGUMENT

A. Law

Federal Rule of Civil Procedure 6(b)(1)¹ provides:

(1) In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Fed.R.Civ.P. 6(b)(1).

The United States Supreme Court has recognized, “Rule 6(b) gives the court *extensive flexibility* to modify the fixed time periods found throughout the rules, whether the enlargement is sought before or after the actual termination of the allotted time.” *Lujan v. Nat’l Wildlife Fed.*, 497 U.S. 871, 906 n. 7 (1990) (internal quotation marks and citation omitted) (emphasis added); *see also Perez-Denison v. Kaiser Found. Health Plan of the Nw.*, 868 F. Supp. 2d 1065, 1079 (D. Or. 2012) (citing and quoting *Lujan*, 497

¹ LR IA 6-1(a): “A motion or stipulation to extend time must state the reasons for the extension requested and must inform the court of all previous extensions of the subject deadline the court granted.” Further, a “stipulation or motion seeking to extend the time to file an opposition or reply to a motion, or to extend the time fixed for hearing a motion, must state in its opening paragraph the filing date of the subject motion or the date of the subject hearing.” LR IA 6-1(c).

U.S. at 906). Further, this rule, like all the Federal Rules of Civil Procedure is to be liberally construed to effectuate the general purpose of seeing that cases (and other disputed issues) are decided on the merits. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258 (9th Cir. 2010). Regarding “Good cause,” it is a non-rigorous standard that has been construed broadly across procedural and statutory contexts. *Id.* (citing several circuits *Venegas-Hernandez v. Sonolux Records*, 370 F.3d 183, 187 (1st Cir.2004); *Thomas v. Brennan*, 961 F.2d 612, 619 (7th Cir.1992); *Lolatchy v. Arthur Murray, Inc.*, 816 F.2d 951, 954 (4th Cir.1987)).

Consequently, requests for extensions of time made before the applicable deadline has passed should “normally ... be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.” *Ahanchian*, 624 F.3d at 1259 (quoting 4B Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1165 (3d ed. 2004).

B. Argument

Defense counsel attended the pre-trial calendar call on April 5, 2022, in case *3:17-cv-00649-MMD-CSD*; the case scheduled for trial back in November 2021 but was continued. On April 5, 2022, the District Court informed the parties that case *3:17-cv-00649-MMD-CSD* was number one (1) on the stack. Thus, the trial will take place starting April 25th.

The Parties contend that the upcoming trial in case *3:17-cv-00649-MMD-CSD* establishes good cause to grant this extension request. The Parties do not act in bad faith. The Parties seek additional time to work together to draft the Joint Pretrial Order. Thus, the Parties request an extension of the Joint Pretrial Order deadline of April 25, 2022, to May 25, 2022.

///

///

1 **III. CONCLUSION**

2 For the foregoing reasons, the Parties request an extension of the Joint Pretrial
3 Order deadline of April 25, 2022, to **May 25, 2022**.

4
5
6 DATED this 22nd day of April 2022

7
8 By: /s/ Lisa A. Rasmussen
9 LISA A. RASMUSSEN, Esq.
10 Law Offices of Kristina Wildeveld &
11 Associates
550 E. Charleston Blvd.
Las Vegas, Nevada 89101
Attorneys for Plaintiff

DATED this 22nd day of April 2022

By: /s/ Christopher M. Guy
CHRISTOPHER M. GUY
Deputy Attorney General
Office of the Nevada Attorney General
555 E. Washington Avenue, #3900
Las Vegas, Nevada 89101
Attorneys for Defendants

12
13 IT IS SO ORDERED.

14 
15 UNITED STATES MAGISTRATE JUDGE

16 DATE: 4-28-2022
17
18
19
20
21
22
23
24
25
26
27
28